

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of P.C.L, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LATASHA LONG,

Respondent-Appellant,

and

DAOUDA CISSE,

Respondent.

UNPUBLISHED

May 22, 2003

No. 243070

Wayne Circuit Court

Family Division

LC No. 02-407137

Before: Whitbeck, C.J., and White and Donofrio, JJ.

MEMORANDUM.

Respondent Latasha Long appeals as of right the court's order taking jurisdiction over her child. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent asserts that the court erroneously relied on uncertified mental health records to take jurisdiction over her child. This Court reviews a decision of the family court in child protective proceedings for clear error. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). To acquire jurisdiction over a child, the factfinder must determine by a preponderance of the evidence that the child comes within the statutory requirements of MCL 712A.2. *In re Ramsey*, 229 Mich App 310, 314; 581 NW2d 291 (1998).

MCL 712A.2 grants to the court:

(b) Jurisdiction in proceedings concerning any juvenile under 18 years of age found within the county:

(1) Whose parent or other person legally responsible for the care and maintenance of the juvenile, when able to do so, neglects or refuses to provide proper or necessary support, education, medical, surgical, or other care necessary for his or her health or morals, who is subject to a substantial risk of harm to his or her mental well-being, who is abandoned by his or her parents, guardian, or other custodian, or who is without proper custody or guardianship... .

* * *

(2) Whose home or environment, by reason of neglect, cruelty, drunkenness, criminality, or depravity on the part of a parent, guardian, nonparent adult, or other custodian, is an unfit place for the juvenile to live in.

Even if the psychiatric records were improperly admitted, respondent's testimony was sufficient to establish jurisdiction in the court. She testified about her involuntary hospitalization and her refusal of treatment. She testified that she used marijuana, notwithstanding that she breastfed the child. Her unusual testimony was evidence of her psychiatric condition, which along with her frequent moves, showed that she was at that time unable to provide a fit place for the child to live.

Affirmed.

/s/ William C. Whitbeck
/s/ Helene N. White
/s/ Pat M. Donofrio